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REPORT
No. 383

OFFICES FOR THE INTERNATIONAL PACIFIC HALIBUT COMMISSION

JUNE 30 (legislative day, JUNE 29), 1964.—Ordered to be printed

Mr. MAGNUSON, from the Committee on Commerce, submitted the
following

R E P O R T

[To accompany S. 1975]

The Committee on Commerce, to whom was referred the bill (S. 1975) to amend the Northern Pacific Halibut Act in order to provide certain facilities for the International Pacific Halibut Commission, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

PURPOSE OF THE BILL

The purpose of S. 1975 is to authorize the construction of badly needed quarters for the Halibut Commission on or adjacent to the University of Washington campus.

The Halibut Commission has been quartered on the University of Washington campus since 1925; both the Commission and the university have benefited from the relationship. The Commission staff, for example, has contributed to the program of the college of fisheries through participation in seminars and presentation of lectures. On the other hand, the Halibut Commission has benefited from the direct contact it has been able to maintain with the university faculty as well as from the ability of its staff to attend classes and otherwise take advantage of the regular academic work on the campus.

The university is now in the process of designing and constructing a new wing to the fisheries building to house the new fisheries research institute. It is, therefore, both appropriate and urgent that plans be initiated for the construction of new quarters for the Halibut Commission which is currently housed in a wooden structure of 1917 vintage. It should be added at this point that the Commission is international and supported jointly by the United States and Canada;

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facts indicating the proper role of the Federal Government in providing facilities for the staff.

Canada has recognized this and currently provides office space for the staffs of the International North Pacific Commission—located on the campus of the University of British Columbia—and the International Pacific Salmon Commission. Canada has also indicated its willingness to provide space in Canada for the Halibut Commission.

BACKGROUND AND NEED FOR THE LEGISLATION

The Northern Pacific Halibut Act was originally adopted in 1924 and has been rewritten in 1932 and again in 1937. Its purpose was and is to give effect to the convention between Canada and the United States which was entered into in order to restore and preserve the halibut fishery of the North Pacific Ocean and the Bering Sea. Halibut is a valuable resource but its unregulated taking by nationals of both Canada and the United States during the 1920's and early 1930's had brought it near the point of total elimination. To overcome what would certainly have been a tragic loss, this country and Canada undertook a program of season regulation, equipment restrictions, catch limits, and research which, because of the full cooperation of the Governments and the fishermen and the supporting institutions, has brought halibut back into the forefront of American fishery resources. In short, the program envisioned and made possible by the Northern Pacific Halibut Act is extremely important. Further, the International Pacific Halibut Commission is an integral and essential part of this overall effort to maintain halibut on a sustained yield management basis so that the maximum catch can be taken annually consistent with sound and tested principles of conservation.

It is well to insert at this point the original letter of the Department of State (received by the chairman prior to introduction of S. 1975) which sets out the Department's support for the measure as well as the legal necessity for legislative action in order to provide for adequate office facilities in this country for the Commission. That letter follows:

DEPARTMENT OF STATE,
Washington, July 31, 1964.

HON. WARREN G. MAGNUSON,
U.S. Senate.

DEAR SENATOR MAGNUSON: Thank you for your letter of July 20, 1964, in which you requested the Department of State's position on the problem of new accommodations for the International Pacific Halibut Commission. The Department believes that the association of the International Pacific Halibut Commission with the University of Washington has been highly advantageous and looks favorably upon the proposal for the establishment of new quarters on the university campus. Mr. Herrington's office has been investigating the problem and trying to find ways in which the Department could be of assistance. On February 5, 1963, Dr. R. Van Cleve, dean of the college of fisheries at the university was informed in a telephone conversation that the Department's Office of Budget was not at that time in a position to consider the proposal.

In the spring of this year, and after the matter had been further studied, the Department reached the conclusion that it had not legal authority to provide such quarters. As you know, the halibut

treaty requires divisible expenses. Since Mr. Thieme's proposal must necessarily involve a nondivisible capital investment by the United States, either lump sum or amortized, rather than on a current-rental arrangement as presently in effect, separate legislation apart from the legislation implementing the Halibut Commission would be required.

The Department of State would favor and strongly support such legislation, and would do everything practicable within its authority to promote the plan. For almost 40 years the joint regulation of the halibut fishery has been a most successful experiment in international management of an important source of wealth, employment, and food for the people of the United States as well as of Canada. It appears clear that the situation described by Mr. Thieme now requires that steps should be taken to provide the Halibut Commission with new and adequate quarters.

Please call on us for any assistance that we may be able to provide, if a decision is reached to solve the problem through legislation.

Sincerely yours,

ROBERT E. LEE,

Acting Assistant Secretary for Congressional Relations.

The committee, therefore, concluded that S. 1975 is an appropriate way of keeping this important Commission in the United States and that it is in the best interests of this country and the overall program to do so.

COMMITTEE AMENDMENT

It was the judgment of the committee that the measure should not be open ended. Accordingly, an amendment was adopted placing a ceiling of \$500,000 on the amount that might be spent to build a new facility for the Commission.

AGENCY COMMENTS

Prior to committee action, comments on S. 1975 were received from the Departments of State and Interior, and from the Comptroller General. These are as follows:

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., May 21, 1965.

HON. WARREN G. MAGNUSON,
*Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: By letter dated May 14, 1965, you requested our comments on S. 1975, 89th Congress.

The stated purpose of this measure is to amend the Northern Pacific Halibut Act in order to provide certain facilities for the International Pacific Halibut Commission. We have no special information as to the desirability of the proposed legislation and, therefore, make no comments regarding its consideration.

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General of the United States.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., May 25, 1965.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.

DEAR SENATOR MAGNUSON: Your committee has requested this Department's comments on S. 1975, a bill to amend the Northern Pacific Halibut Act in order to provide certain facilities for the International Pacific Halibut Commission.

We recommend the enactment of S. 1975.

The bill amends the Northern Pacific Halibut Act by adding a new section. This section authorizes the Secretary of State to provide office and other facilities for the International Pacific Halibut Commission. These facilities would be located on or near the campus of the University of Washington.

The Commission now occupies space on the campus, but the use of these facilities will terminate in the fall of 1966. The association of the Commission with the University of Washington has been highly advantageous. We therefore favor a proposal that will permit this association to continue.

Time has not permitted securing advice from the Bureau of the Budget as to the relationship of this report to the program of the President.

Sincerely yours,

STEWART L. UDALL,
Secretary of the Interior.

DEPARTMENT OF STATE,
Washington, May 21, 1965.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for your letter of May 17, 1965, in which the Department of State was invited to make comments on the proposed bill S. 1975. The Department has reviewed the proposed legislation which will amend the Northern Pacific Halibut Act in order to provide certain facilities for the International Pacific Halibut Commission. The Department believes that the association of the Commission with the University of Washington has been highly advantageous and therefore looks favorably upon the proposal for the establishment for such facilities on or near the campus of the university.

In view of the urgency of this matter the Department has not had time to obtain clearance and advice from the Bureau of the Budget as to the relationship of this proposed legislation to the program of the President.

Sincerely yours,

DOUGLAS MACARTHUR II,
Assistant Secretary for Congressional Relations
(For the Secretary of State).

COST TO THE GOVERNMENT

It was estimated by officials at the University of Washington that a new facility for the International Pacific Halibut Commission would cost slightly in excess of \$300,000. The committee, in view of possible rising construction costs and the consequences of underestimating, believes it best to adopt an amendment limiting authorized construction costs to \$500,000. This, then, is the maximum cost of the legislation.

CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill are shown as follows (existing law proposed to be omitted is enclosed in black brackets; new matter is printed in *italic*; and existing law in which no change is proposed is shown in roman):

NORTHERN PACIFIC HALIBUT ACT OF 1937, AS AMENDED

(16 U.S.C. 772-772(1))

This Act may be cited as the "Northern Pacific Halibut Act of 1937".

SEC. 2. When used in this Act—

(a) Convention: The word "Convention" means the Convention between the United States and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea, signed at Ottawa on the 29th day of January 1937, and shall include the regulations of the International Fisheries Commission promulgated thereunder.

(b) Commission: The word "Commission" means the International Fisheries Commission provided for by article III of the Convention.

(c) Person: The word "person" includes partnerships, associations, and corporations.

(d) Territorial waters of the United States: The term "Territorial waters of the United States" means the Territorial waters contiguous to the western coast of the United States and the territorial waters contiguous to the southern and western coasts of Alaska.

(e) Territorial waters of Canada: The term "territorial waters of Canada" means the territorial waters contiguous to the western coast of Canada.

(f) Convention waters: The term "Convention waters" means the territorial waters of the United States, the territorial waters of Canada, and the high seas of the Northern Pacific Ocean and the Bering Sea, extending westerly from the limits of the territorial waters of the United States and of Canada.

(g) Halibut: The word "halibut" means the species of *Hippoglossus* inhabiting Convention waters.

(h) Vessel: The word "vessel" includes every description of watercraft or other contrivance used, or capable of being used, as a means of transportation in water.

SEC. 3. It shall be unlawful for—

(a) any person other than a national or inhabitant of the United States to catch or attempt to catch any halibut in the territorial waters of the United States;

(b) any person to transfer to or to receive upon any vessel of the United States, or to bring to any place within the jurisdiction of the United States any halibut caught in Convention waters by the use of any vessel of a nation not a party to the Convention, or caught in Convention waters by any national or inhabitant of the United States or Canada in violation of the Convention or of this Act;

(c) any national or inhabitant of the United States to catch, attempt to catch, or to possess any halibut in the territorial waters of the United States or in Convention waters in violation of any provision of the Convention or of this Act;

(d) any person within the territory or jurisdiction of the United States to furnish, prepare, outfit, or provision any vessel, other than a vessel of the United States or Canada, in connection with any voyage during which such vessel is intended to be, is being, or has been employed in catching, attempting to catch, or possessing any halibut in Convention waters or the territorial waters of the United States or Canada;

(e) any person within the territory or jurisdiction of the United States to furnish, prepare, outfit, or provision any vessel of the United States or Canada in connection with any voyage during which such vessel is intended to be, is being, or has been employed in catching, attempting to catch, or possessing any halibut in violation of any provision of the Convention or of this Act;

(f) any person within the territory or jurisdiction of the United States or any national or inhabitant of the United States within Convention waters knowingly to have or have had in his possession any halibut taken, transferred, received, or brought in in violation of any provision of the Convention or of this Act;

(g) any person to depart from any place within the jurisdiction of the United States in any vessel which departs from such place in violation of the Convention or of this Act;

(h) any person in the territorial waters of the United States or any national or inhabitant of the United States in Convention waters to catch or attempt to catch any halibut, or to possess any halibut caught incidentally to fishing for other species of fish by the use of or in any vessel required by the Convention to have on board any license or permit unless such vessel shall have on board a license or permit which shall comply with all applicable requirements of the Convention, and which shall be available for inspection at any time by any officer authorized to enforce the Convention or by any representative of the Commission;

(i) any person to take, retain, land, or possess any halibut caught incidentally to fishing for other species of fish, in violation of any provision of the Convention or of this Act.

SEC. 4. It shall be unlawful for the master or owner or person in charge of any vessel or any other person required by the Convention to make, keep, or furnish any record or report, to fail to do so, or to refuse to permit any officer authorized to enforce the Convention or any representative of the Commission to examine and inspect any such record or report at any time.

SEC. 5. (a) The provisions of the Convention and of this Act and any regulations issued under this Act shall be enforced by the Coast Guard, the Customs Service, and the Bureau of Fisheries. For such purposes any officer of the Coast Guard, Customs, or Fisheries may at any time go on board of any vessel in territorial waters of the

United States, or any vessel of the United States or Canada in Convention waters, except in the territorial waters of Canada, to address inquiries to those on board and to examine, inspect, and search the vessel and every part thereof and any person, trunk, package, or cargo on board, and to this end may hail and stop such vessel, and use all necessary force to compel compliance.

(b) Whenever it appears to any such officer that any person, other than a national or inhabitant of Canada, on any vessel of the United States is violating or has violated any provision of the Convention or of this Act, he shall arrest such person and seize any such vessel employed in such violation. If any such person on any such vessel of the United States is a national or inhabitant of Canada, such person shall be detained and shall be delivered as soon as practicable to an authorized officer of Canada at the Canadian port or place nearest to the place of detention or at such other port or place as such officers of the United States and of Canada may agree upon.

(c) Whenever it appears to any such officer of the United States that any person, other than a national or inhabitant of the United States, on any vessel of Canada in Convention waters, except in the territorial waters of Canada, is violating or has violated any provision of the Convention, such person, and any such vessel employed in such violation, shall be detained and such person and such vessel shall be delivered as soon as practicable to an authorized officer of Canada at the Canadian port or place nearest to the place of detention, or at such other port or place as such officers of the United States and of Canada may agree upon. If any such person on any such vessel of Canada is a national or inhabitant of the United States, such person shall be arrested as provided for in subsection (b) of this section.

(d) Officers or employees of the Coast Guard, Customs, and Fisheries may be directed to attend as witnesses and to produce such available records and files or certified copies thereof as may be produced compatibly with the public interest and as may be considered essential to the prosecution in Canada of any violation of the provisions of the Convention or any Canadian law for the enforcement thereof when requested by the appropriate Canadian authorities in the manner prescribed in article V of the Convention to suppress smuggling concluded between the United States and Canada on June 6, 1924 (44 Stat. (pt. 3), 2097).

SEC. 6. (a) Any person violating any provision of section 3 of this Act upon conviction shall be fined not more than \$1,000 nor less than \$100 or be imprisoned for not more than one year, or both.

(b) The cargo of halibut of every vessel employed in any manner in connection with the violation of any provision of section 3 of this Act shall be forfeited; upon a second violation of the provisions of section 3 of this Act, every such vessel, including its tackle, apparel, furniture, and stores may be forfeited and the cargo of halibut of every such vessel shall be forfeited; and, upon a third or subsequent violation of the provisions of section 3 of this Act, every such vessel, including its tackle, apparel, furniture, cargo, and stores shall be forfeited.

(c) All provisions of law relating to the seizure, judicial forfeiture, and condemnation of a vessel for violation of the customs laws, the disposition of such vessel or the proceeds from the sale thereof, and

the remission or mitigation of such forfeitures shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this Act, insofar as such provisions of law are applicable and not inconsistent with the provisions of this Act: *Provided*, That except as provided in section 5 hereof all rights, powers, and duties conferred or imposed by this Act upon any officer or employee of the Treasury Department shall, for the purposes of this Act, be exercised or performed by the Secretary of Commerce or by such persons as he may designate.

SEC. 7. Any person violating section 4 of this Act shall be subject to a penalty of \$50 for each such violation. The Secretary of Commerce is authorized and empowered to mitigate or remit any such penalty in the manner prescribed by law for the mitigation or remission of penalties for violation of the navigation laws.

SEC. 8. None of the prohibitions contained in this Act shall apply to the Commission or its agents when engaged in any scientific investigation.

SEC. 9. The Secretary of the Treasury and the Secretary of Commerce are authorized to make such joint rules and regulations as may be necessary to carry out the provisions of this Act.

SEC. 10. This Act shall take effect on the date of exchange of ratifications of the Convention signed by the United States of America and Canada, on January 29, 1937, for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea, unless such date shall be prior to the date of approval of this Act in which case it shall take effect immediately.

SEC. 11. (a) *The Secretary of State is authorized to provide, by contract, grant, or otherwise, facilities for office and any other necessary space for the Commission. Such facilities shall be located on or near the campus of the University of Washington in the State of Washington and shall be provided without regard to the cost-sharing provisions in the Convention.*

(b) *There is authorized to be appropriated such amount, not in excess of \$500,000, as may be necessary to carry out the provisions of this section.*

